

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 ANTICIPATORY BAIL APPLICATION NO.802 OF 2020

**UDDHAV DATTATRAY BHISE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : N.V.Gavare h/f S.R.Wakale
APP for Respondent State: Smt. R.P.Gaur
...

CORAM : MANGESH S. PATIL, J.
DATE : 03.02.2021

PC. :-

The applicant is seeking bail in the event of his arrest in connection with Crime No.506/2019 registered with Parner Police Station, Dist.Ahmednagar for the offences punishable under Sections 420, 465, 467, 468 of the I.P.C. and Sections 82-a, 82-b and 83 of the Registration Act.

2] In nutshell the allegations as can be made out are to the effect that co-accused Shiva was not possessing any agricultural land and was legally incompetent to purchase one. Since he was intending to purchase an agricultural land he approached the applicant who accepted some money and assured to get executed a sale deed and accordingly the applicant is stated to have fabricated a forged 7/12 revenue record in respect of land Gat No.2322 and managed to get the sale deed duly registered. It is thus alleged that he indulged in forgery and used the forged document to deceive the Sub Registrar to register the sale deed, which he otherwise would not have.

3] The learned advocate Mr.Gavare for the applicant would submit that the applicant is merely a stamp vendor. He was not directly involved in the transaction between the vendor and the vendee. At no point of time he has played any role in either executing the sale deed or getting it to be registered.

4] The learned advocate would further submit that except the statement of the co-accused there is nothing to implicate him. Co-accused Shiva has not at earlier point of time made any such disclosure about having got the forged 7/12 record prepared from the applicant. The learned advocate would point out that the concerned Sub Registrar's office had undertaken an inquiry, co-accused Shiva had submitted his reply and even in that reply he had not stated about the applicant having forged the 7/12 extract.

5] The learned advocate would further submit that there is enormous delay in registering the crime. The sale deed was executed in the year 2014 whereas the F.I.R. has been registered in the year 2019.

6] Lastly the learned advocate would submit that already the applicant has been protected by way of ad-interim relief by the order dated 12/11/2020 and the same may be confirmed as there are no allegations about he having committed any breach of the condition subject to which it was granted.

7] The learned A.P.P. submits that the offence is serious. Active role is played by the applicant in preparing a forged 7/12 extract to help the co-accused purchase an agricultural land. The statements of the witnesses i.e. the husband of the vendor and the attesting witnesses to the sale deed have been recorded. They also corroborate the version of the prosecution. As against the

consideration amount of Rs.1,80,000/- the applicant is stated to have received an amount of Rs.43,000/- from the co-accused Shiva. She would further point out that Shiva is an illiterate person and could not have been aware about the nuances of the law. At this juncture the role attributable to the applicant stands corroborated from the aforementioned facts and circumstances and the statements of the witnesses. His custodial interrogation therefore is imperative and the application be rejected.

8] I have carefully gone through the papers of the investigation and the papers filed by the applicant. It does appear that the applicant is merely a stamp vendor who in the normal course may not have any role to play in either executing the sale deed or its registration. However, going by the aforementioned facts and circumstances pointed out by the learned A.P.P a specific role played by the applicant can easily be comprehended. The co-accused Shiva appears to be an illiterate person. He wanted to purchase an agricultural land and it is now being asserted that the applicant promised him to manage to purchase the agricultural land and even recovered an amount of Rs.43,000/- from him. From sheer proportion of the total consideration and the amount stated to have been recovered by the applicant from co-accused Shiva, it does appear that there is something more was done by the applicant, than simply selling the stamp paper.

9] True it is that at no earlier point of time co-accused Shiva had disclosed about his such stand attributing the applicant with preparation of forged 7/12 extract. But then it is not his isolated version which is available now. There is version of the husband of the vendor and the statements of the attesting witnesses which corroborate the version of the prosecution about the

applicant himself having enabled co-accused Shiva to purchase the agricultural land and indulged in fabrication of a 7/12 record.

10] The aspect of delay need not bother this Court at this juncture.

11] Considering the role being attributed to the applicant and the material discussed hereinabove his custodial interrogation is highly imperative.

12] The application is rejected.

13] The learned advocate for the applicant seeks extension of interim relief for a period of 2 weeks to enable the applicant to approach the Supreme Court.

14] Considering the fact that I am not inclined to grant anticipatory bail on merits, coupled with the seriousness of the crime, the request is rejected.

[MANGESH S. PATIL, J.]

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